

From: Mike S. Medintz
To: Microsoft ATR
Date: 1/23/02 3:26pm

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January 23, 2001

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Suite 1200, Antitrust Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20530-0001

Dear Sirs,

I am a citizen of the United States and a resident of Lakewood, Colorado. I am writing to express my concern with the proposed settlement, which your office is considering with Microsoft. In my opinion, this settlement does not go nearly far enough to either repair the damage done by Microsoft or to prevent future violations.

Microsoft's anti-competitive behavior is not simply aggressive advertising. Their behavior is potentially more damaging to the US marketplace and economy than were Archer-Daniels-Midland's effort to fix the prices of agricultural supplies in recent years. Microsoft forces computer hardware vendors to sign exclusive marketing agreements, meaning that the vendors are unable to sell competing operating systems. When I was shopping for the two computers, which I use at home, several major manufacturers, including Dell and Gateway, were unable to sell me a computer with Linux installed, and even were unable to sell me a computer with no operating system installed at all. Even though I had no intention of using Microsoft Windows, I was forced to pay the prices of two Microsoft software licenses. If Microsoft did not have a monopoly position within the meaning of the Sherman Act, then they would not be able to abuse a monopoly position and I would not be forced to pay a "Microsoft Tax" every time I buy computer equipment.

Now try to imagine the cost of this "Microsoft Tax" to a small business, a poor family, or a school- all entities which usually operate on a shoestring. And imagine the cost of their newest operating system, Windows XP. When you buy a reasonably-modern computer from a major manufacturer, it is quite easy to do so for well under \$1000. And of the components of that computer, the Windows XP license the one for which you're charged a Microsoft Tax, whether you'll use it or not- is the most expensive. A licensing fee, charged only because the recipient is an abusive monopoly, is more expensive than a fast and powerful processor or a large hard drive.

Microsoft has also signed other exclusive deals with other service suppliers. These are deals which worked to customers' detriment and which would not have been possible save for Microsoft's monopoly position, and which serve no purpose but to stifle competition. A prime example is the Microsoft Network's deal with Qwest. Under this deal, all Qwest DSL customers are forced to either use the Microsoft Network as their internet service provider, or to pay large "transfer fees" and suffer service outages. And Qwest has a monopoly on DSL in its service area, being the telephone company for most of the western United States. In other words, if a person wishes to have DSL high-speed internet access, he must either pay Microsoft a monthly subscription fee or pay a rather large fee to Qwest, a fee sufficiently large to deter most customers from using other providers.

Furthermore, Microsoft has announced, last autumn, that all Microsoft Network users MUST use Microsoft's internet software to connect to the internet. They must use Outlook and Internet Explorer. I count four web browsers (IE, Netscape, Mozilla, and Opera) and four popular email programs (Outlook, Eudora, Lotus, and Pegasus) available for Microsoft Windows 85,98, NT, and 2000, but only the ones from Microsoft are acceptable.

The internet currently uses certain standards for email, the Standard Mail Transfer Protocol and the Post Office Protocol. The interoperability on which the internet is based requires that these two universal standards be followed. All of the mail software which I have named above is fully standards-compliant. Similarly, World Wide Web standards are defined in the Hyper-Text Transfer Protocol. All of the web browsers named above are compliant with that protocol.

In other words, Microsoft had no reason to require the use of Outlook and Internet Explorer. No reason, except to lock their competitors out.

I did not elect any members of Microsoft's board, or any of their officers. I was never offered an opportunity to vote. Microsoft is not an agency of the Federal government or of the State of Colorado. Why, then, is this company allowed to use their monopoly power to tax me? Why are they allowed to use their monopoly position in software to leverage a monopoly in DSL internet access and to lock competitors out of the market?

That Microsoft is an abusive monopoly has been proven. I limit myself to the examples above, rather than explaining about undocumented programming interfaces and the "Embrace, Extend, and Extinguish" methodology, only because of concern for your time.

The only way to end their abuse and allow competition to exist is to break the company up, and to force open their code and API's. As long as Microsoft is allowed to exist, they will continue to acquire power and to abuse it.

Sincerely,

Mike S. Medintz